

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5703 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE S.D.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

GUJARATA AMBUJA CEMENTS LTD.,

Versus

DISTRICT COLLECTOR

Appearance:

MR PJ KANABAR for Petitioner

MR. S.P. DAVE, LD.GOV'T. COUNSEL FOR Respondent No. 1, 2

CORAM : MR.JUSTICE S.D.DAVE

Date of decision: 25/11/96

ORAL JUDGEMENT

Rule. Mr. S.P. Dave, Ld. Govt. Counsel waives service of rule for the Respondents.

Upon hearing learned counsel for the petitioner Mr. Kanabar and learned Govt. Counsel Mr. S.P. Dave, it appears that the present petition requires a partial recognition, and the matter requires to be transmitted to

the Respondent No.2 the State of Gujarat for fresh consideration and hearing.

The facts are not in dispute. The petitioner happens to be a company engaged in the activity of manufacture of cement and certain allied things. The company has got a Diesel Storage Licence. Certain irregularities were allegedly noticed by the officers working under the Respondent No.2 the State. As a result of this, the total quantity of diesel weighing 48969 liters of the value of Rs.3,89,303-55 came to be seized. Later on 10 % of the above said quantity was ordered to be forfeited to the State. Against the above said orders the appeal came to be preferred before the Respondent no.2. This appeal came to be decided and disposed of by the competent officer of the Respondent no.2 vide the orders dated 12-4-96/19-4-96. The said orders are in challenge in the present petition before me.

The principal contention coming from the learned counsel Mr. Kanabar is that, due to the communication gap between the Vadnagar office of the company and the Ahmedabad office of the same nobody could remain present before the said authority and that, certain important documents could not be produced. Ld. Govt. Counsel Mr. Dave says that, if there was a communication gap nobody else than the company would be responsible for the same.

Any how, looking to the facts & circumstances of the case it would be appropriate if the said orders under challenge are quashed and set aside and the matter is transmitted to the said authority for a fresh consideration, after according a reasonable opportunity of being heard to the petitioner. I order accordingly. It is understood that, now the said authority shall fix up a date for hearing, the intimation of which shall be given to the petitioner under a registered post A.D. letter addressed to the petitioner at Vadnagar, Taluka Kodinar, District Amreli. It is further understood that, upon the receipt of the said notice, the petitioner shall make the necessary arrangement to appear before the said authority and to conduct the proceedings. The said authority shall decide the matter afresh, according to law and on merits. The petition stands disposed of with the above said orders. Rule is made absolute accordingly to the above said extent only.
